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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,247	11/03/2003	Alvin Dean Thompson	506381-0006	3758

24030 7590 11/17/2005

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120 WEST 12TH STREET
KANSAS CITY, MO 64105

EXAMINER

DIXON, MERRICK L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,247

Applicant(s)

THOMPSON

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 25-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



**MERRICK DIXON
PRIMARY EXAMINER**

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-24-04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicants' election of claims 2-24-04, without traverse is acknowledged.
2. The abstract of the disclosure is objected to because it contains the legal word, "comprising". Correction is required. See MPEP § 608.01(b).
3. The abstract of the disclosure is objected to because "comprising". Correction is required. See MPEP § 608.01(b).
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8, 9,10,16,18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer (US 4810552).

The cited reference teaches the claimed invention including an elongated structural rebar comprising fibrous reinforcing members and a hydraulic binder dispersed thereon- col 1, lines 56-66; col 2, lines 54-65; col 3, lines 11-15. concerning claims 5, 6,9,10,20,23 and 24, the reference teaches similar fiber orientations and woven material,- col 1, lines 7-23. concerning claim 19, the reference teaches fibers of different dimensions- col 4, lines 46-51; figs 3 and 4. concerning claims 2,3,4,8 and 22, the reference teaches similar fiber material and placement of binder material- col 3, lines 56-58. concerning claims 16,18 and 21, the reference teaches similar material arrangements- col 4, lines 16-50.

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer(US 4810552) in view of Stav et al(US 5858083). Although the primary reference teaches cement material, it fails to teach said cement be Portland cement. The secondary reference to Stav teaches that it is known in the art to employ such notoriously well known concrete material such as Portland cement, as the cement material, taught by the primary reference- col 4, lines 27-31. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference to Stav and include such a well known concrete material as taught, for the cement material of the primary reference, in the absence of unexpected results and further for the fact Portland cement is notoriously known concrete in the instant art..Concerning claim 17, the secondary reference teaches nylon material in col 7, lines 19-22.

8. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer(US 4810552) and Stav et al(US 5858083) as applied to claims 7 and 17 above, and further in view of Deford et al(US 6941720 B2). The Deford et al(US 6941720 B2)

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teaches that it is known in the art to applied colored material to the obvious combined teachings of the references above- col 4, line 51- col 5, line 5.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer(US 4810552) and Stav et al (US 5858083) as applied to claims 7 and 17 above, and further in view of Hilfiker(US 4834584). The Hilfiker patent teaches that it is known in the art to apply sealing material to seal the obvious combined teachings of the references as set forth above- col 8, lines 1-7.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Van Vechten et al(US 5593744) is cited of interest for its teachings as set forth.

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's**

personal fax number should be in draft-forms and will be treated as informal.

Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 571-273-8300.

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Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and 8 PM, eastern time .

A handwritten signature in black ink, appearing to read 'M. Dixon', with a long horizontal flourish extending to the right.

Merrick Dixon

Primary Examiner

Group 1700